

MEMO ENDORSED



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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July 14, 2008

BY HAND

Honorable Lewis A. Kaplan
United States District Judge
United States District Court
Southern District of New York
500 Pearl St., Room 1310
New York, NY 10007

Re: Burns v. Martinez, et. al., 08-CV-4835 (LAK)

Dear Judge Kaplan:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York. I was assigned this case today and have yet to receive any of the underlying documentation. The only named defendant in this action, C.O. Martinez, has been served and has requested representation from my office. We are currently in the process of determining whether representation is appropriate under Public Officers Law § 17. To date, the remaining defendants (all named as "John Does") have not been identified or served.

I respectfully write to request an extension of defendant Martinez's time to answer or otherwise move with respect to plaintiff's complaint from July 17, 2008 up to and including September 30, 2008. I have not sought the consent of the pro se plaintiff as he is currently incarcerated and I wanted to make the request forthwith because the time to answer will likely expire before plaintiff can respond to this letter. No previous requests for an extension of time have been made.

An extension of time is necessary to investigate the facts alleged in the complaint, obtain the necessary documents, and prepare an appropriate response. By making such a request, we are


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not waiving any rights the defendants not yet served may have, including the right not to appear or the right to answer or move with respect to lack of personal jurisdiction.

Thank you for your consideration of this request.

Respectfully submitted,


Inna Reznik
Assistant Attorney General

cc: Trevor Burns (by first class mail)
DIN # 97-A-6087
Attica Correctional Facility
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